

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO. 3:12-cr-298

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CONSENT ORDER AND
	)	JUDGMENT OF FORFEITURE
v.	)	(PRELIMINARY)
	)	PENDING RULE 32.2(c)(2)
JEFFREY VIEGAS,	)	
	)	
Defendant.	)	

BASED UPON the defendant's plea of guilty, and finding that there is a substantial nexus between the property listed below and the offense(s) to which the defendant has pled guilty and that the defendant has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 982(a)(2) and/or 21 U.S.C. § 853(p), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

**A \$438,209.06 forfeiture money judgment, such amount constituting the proceeds of the 18 U.S.C. § 1014 offense to which Defendant has pled guilty; and**

**Funds in the amount of \$438,209.06, to be turned over by Defendant to the United States on or before November 15, 2012.**

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture; provided, no such notice is required if this order consists solely of a money judgment.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

5. A forfeiture money judgment in the amount of \$438,209.06 shall be included in the defendant's sentence, and the United States may take steps to collect the judgment from any property

of the defendant, provided, however, that the net proceeds of the liquidation of the specific assets forfeited herein shall be credited toward satisfaction of the money judgment.

The parties stipulate and agree that the aforementioned money judgment and specific assets constitute proceeds of Defendant's Section 1014 offense and/or substitute property, and are therefore subject to forfeiture pursuant to 18 U.S.C. § 982(a)(2) and 21 U.S.C. § 853(p) (forfeiture of substitute property). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.


ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

  
BENJAMIN BAIN-CREED  
Assistant United States Attorney

  
JEFFREY VIEGAS  
Defendant

  
CHRISTOPHER FIALKO, ESQ.  
Attorney for the Defendant

Signed this the 28 day of Sept, 2012.

  
UNITED STATES Magistrate JUDGE